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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/342,017 06/28/99 LAUER

M 2565/56

EXAMINER

QM22/0321

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NEW YORK NY 10004

HAYES M  
ART UNIT PAPER NUMBER

3763  
DATE MAILED:

03/21/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/342,017

Applicant(s)

LAUER, MARTIN

Examiner

Michael Hayes

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Pre Amdt A, filed Sept. 17, 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters “114”/“214” and “116”/“216” have both been used to designate an outer socket connector. Correction is required.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the opening element of the outer socket connector must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the opening element of the inner socket connector must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### ***Claim Rejections - 35 USC § 112***

4. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant recites an opening element formed of an outer socket connector and an opening element of the outer socket connector. It is unclear whether the opening element is some portion of the outer socket connector, the outer socket connector is some portion of the opening element or they are the same element. If they are the same element

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Applicant should not give them different numbers nor separately recite them using different names.

5. Claim 15 recites the limitation "the opening element of a second inner socket connector" in line 2. There is insufficient antecedent basis for this limitation in the claim. Additionally it appears from the specification that the opening element is only part/whole of the outer socket connectors.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 6, 7, 9-14, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by CHALLENGER et al. (U. S. Patent No. 5,492,147). Challenger discloses a connector element having a conduit, sealing part locked to housing 51, opening element, an annular gap between a housing and an opening element, and a shut-off element 32/70.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHALLENGER et al.. Challenger discloses the claimed invention except for the membrane made of silicone and the outer socket connector disposed concentrically around the inner socket connector. Challenger discloses the membrane to be rubber, which is an equivalent of silicone. Challenger discloses the outer socket connector and inner socket connector to be one piece. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the connectors one piece because it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

*Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over CHALLENGER as applied to claim 12 above, and further in view of OREOPOULOS et al. (U. S. Patent No. 4,508,367). Challenger discloses the claimed invention except for a shut-off element being an injection molded membrane. Oreopoulos discloses such a membrane. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the membrane as taught by Oreopoulos in the connector of Challenger in order to provide a seal against flow until pierces by a penetration body.

***Allowable Subject Matter***

11. Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. BARRINGTON (U. S. Patent No. 3,986,508) shows a connector with opening element and sealing members. MATKOVICH (U. S. Patent No. 5,393,101) shows a connector having sealing members and opening elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Hayes at (703) 305-5873. The examiner's work schedule is generally Mon.-Fri., 8:00-5:30, with alternate Fridays off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Seidel, can be reached at (703) 308-5115. Inquiries concerning procedural issues may be directed to Rosalind Smith at (703) 305-2440. The fax number for this Group is (703) 305-3590.



Michael J. Hayes  
03/16/01